

REMARKS

Claims 1-34 are pending in the application. Reconsideration of the application is respectfully requested.

I. OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTIONS ARE OVERCOME BY TERMINAL DISCLAIMER.

Claims 1-18 and 21-34 are rejected under the judicially created doctrine of obviousness-type double patenting.

In particular, independent claim 1 and dependent claims 2-18 and 21-34 are rejected under obviousness type double patenting as being unpatentable over claims 1-27 of U.S. Patent No. 6,613,143 ("the '143 patent"). The '143 patent is assigned to Technologies and Devices International, Inc., assignee of the subject application.

Independent claim 1 and dependent claims 2-18 and 21-34 are also rejected under obviousness type double patenting as being unpatentable over claims 1-35 of U.S. Patent No. 6,573,164 ("the '164 patent"). The '164 patent is assigned to Technologies and Devices International, Inc., assignee of the subject application.

Independent claim 1 and dependent claims 2-18 and 21-34 were also rejected under obviousness type double patenting as being unpatentable over claims 1-35 of the '164 patent in view of the '143 patent, both of which are assigned to Technologies and Devices International, Inc., assignee of the subject application.

Page 2 of the Office action provides that a terminal disclaimer filed in compliance with 37 CFR § 1.321(c) may overcome the rejection. In accordance with the Office action, Applicants respectfully submit a Terminal Disclaimer. The subject application, the '164 patent and the '143 patent are all commonly owned by **Technologies and Devices International, Inc.**, as reflected in the following assignments:

Reel 015046; Frame 0775 (subject application)

Reel 012272; Frame 0183 (U.S. Patent No. 6,573,164)

Reel 013050; Frame 0987 (U.S. Patent No. 6,613,143)

Accordingly, the Applicants request that the rejections of claims 1-18 and 21-34 under the doctrine of obviousness-type double patenting be withdrawn.

The only other remaining rejections are rejections of dependent claims 19 and 20 under the doctrine of obviousness type double patenting. The Office action does not set forth any rejection of dependent claims 19 and 20 under 35 U.S.S. §§ 102 or 103.

Dependent claims 19 and 20 were rejected under obviousness by double patenting as being unpatentable over claims 1-35 of the '164 patent in view of U.S. Patent No. 6,153,010 ("the '010 patent"). The '164 patent is assigned to Technologies and Devices International, Inc. The '010 patent is assigned on its face to Nichia Chemical Industries, Ltd. Dependent claims 19 and 20 were also rejected under obviousness type double patenting as being unpatentable over claims 1-35 of the '164 patent in view of the '143 patent, both of which are assigned to Technologies and Devices International, Inc., and further in view of the '010 patent, which is assigned on its face to Nichia Chemical Industries, Ltd.

The Applicants respectfully submit that the rejections of dependent claims 19-20 be withdrawn in view of the Terminal Disclaimer concerning the '164 and '143 patents.

II. CONCLUSION.

Based on the foregoing amendments and remarks, Applicants respectfully request that the application is in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. If there are any remaining issues that can be resolved by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

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Dated: March 29, 2005

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